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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,887	02/11/2002	Alexander E. Malison	ASI-101	3540

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EXAMINER

SHERR, CRISTINA O

ART UNIT PAPER NUMBER

3621

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/068,887

Applicant(s)

MALISON, ALEXANDER E.

Examiner

Cristina Owen Sherr

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on May17, 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,11-15,41,42,47,54,58 and 61 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

- 6) ☒ Claim(s) 1,11-15,41,42,47,54,58 and 61 is/are rejected.

- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 05/17/06

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This communication is in response to applicant's amendment filed May 17, 2006.

#### ***Election/Restrictions***

2. Claims 2-10, 16-40, 43-44, 48-57, 59-60, and 62-64 withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention and species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on May 17, 2006. Thus claims 1, 11-15, 41-42, 54-47, 58 and 61 are currently pending in this case.

#### ***Information Disclosure Statement***

3. The information disclosure statement (IDS) submitted on May 17, 2006 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-64 have been considered but are moot in view of the new ground(s) of rejection: drawn to a nonelected invention.

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 11-15, 41-42, 54-47, 58 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montague et al (US 5,504,589).

Applicant's arguments with respect to claims 1-64 have been considered but are

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7. Regarding claim 1 –

Montague discloses a user interface for receiving an order (e.g. abs, col 1 ln 40-45) comprising: (a) an input area adapted to receive handwritten input indicating an item to add to the order (e.g. col 1 ln 65-67); (b) a selection window adapted to display items corresponding to the handwritten input (e.g. fig. 5, col 5 ln 1-10); and (c) an order window adapted to display selected items, as the order (e.g. col 5 ln 5-10, col 6 ln 20-25).

8. Montague does not use the same terminology as the instant application, referring to an “input screen” rather than a “user interface”. Such differences in terminology do not, however confer patentability, as it would be obvious to the practitioner of ordinary skill in the art to adapt Montague to the terminology in the instant application.

9. Regarding claim 11 –

Montague discloses a user interface of claim 1, wherein the input area is further adapted to receive a second handwritten input indicating a modifier associated with a selected item, wherein the selection window is further adapted to display modifiers corresponding to the second handwritten input, and wherein the order window is further adapted to display selected modifiers in the order (e.g. fig. 5 col 8 ln 32-39).

10. Regarding claim 12 –

Montague discloses a user interface of claim 11, wherein the selection window is further adapted to receive a selection of a modifier from the displayed modifiers, wherein the selection is a touch of the modifier listed in the displayed modifiers (e.g. col 4 ln 6-9, col 8 ln 32-39).

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11. Regarding claim 13 –

Montague discloses a user interface of claim 11, wherein the input area is adapted to recognize an abbreviation of the modifier as the second handwritten input (e.g. col 5 ln 1-10).

12. Regarding claim 14 –

Montague discloses a user interface of claim 11, wherein the user interface further comprises a toggle button adapted to configure the input area to receive a handwritten input as one of an item and a modifier. (e.g. col 6 ln 3-10, where F2 is used as a toggle button).

13. Regarding claim 15 –

Montague does not specifically disclose a user interface of claim 11, wherein the user interface is adapted to require a user to choose a modifier after the user interface receives a selected item, however the various adaptations referenced in Montague make this a possible embodiment, see, e.g. col 4 ln 1-9, col 4 ln 49-61, col 5 ln 1-10, fig. 5, etc.).

14. Claims 41-42, 45-47, 58, and 61 are rejected under the same criteria as above.

16. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part

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of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

**Conclusion**

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina Owen Sherr whose telephone number is 571-272-6711. The examiner can normally be reached on 8:30-5:00 Monday through Friday.

18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

19. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

COS, 07/24/06

Retrieval

*Cristina Owen Sherr*  
**PRIMARY EXAMINER**